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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,168	04/15/2004	Charles O. Grimes JR.	247.100	6352
30040 7590 02/12/2007 MICHAEL A. SHIPPEY, PH. D. 4848 LAKEVIEW AVENUE SUITE B YORBA LINDA, CA 92886			EXAMINER PRIOLEAU, AVERY D	
			ART UNIT	PAPER NUMBER
			3782	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,168

Applicant(s)

GRIMES, CHARLES O.

Examiner

Avery D. Prioleau

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 78,80,82,42,50. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 3,13, and 14 contain the trademark/trade name Velcro. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used

properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fasteners and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-7,13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3-7,13, and 14, the trademark "VELCRO" does not specifically define the structure of the "strip attachment means". Examiner suggest that applicant replace "Velcro" with "hook and loop" because "Velcro" is a trade name that can be associated with other means.

5. Claims 4-7 recites the limitation "sheet edge attachment means" in line 1 of claims 4-7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3782

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6 and 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fournier (US 6,193,034).

8. Regarding claims 1 and 16, Fournier discloses a utility device for containing articles of clothing during laundry operations, travel, and storage, the device comprising: a backing sheet of washable material (Abstract); a plurality of strips (8), each fixedly attached to connect the free end of a strip to the free end of another strip in pairwise fashion (Col. 4, lines 40-45); and the sheet further comprising attachment means (14) allowing the sheet to be folded and sealed into a baglike structure.

9. Regarding claim 2, Fournier discloses wherein the sheet is comprised of nylon mesh (Col. 4, lines 65-67).

10. Regarding claim 3, Fournier discloses wherein the strip attachment means comprise Velcro fasteners (8).

11. Regarding claim 4, Fournier discloses wherein the sheet edge attachment means comprise Velcro fasteners (25).

12. Regarding claim 6, Fournier discloses wherein the sheet edge attachment means comprise zippers (14).

13. Regarding claim 8, Fournier discloses a utility device further comprising bag hanging means (12) fixedly attached to one end of the sheet.

14. Regarding claim 9, Fournier discloses a utility device wherein the bag hanging means is a pair of vertical fastening straps (5) for hanging to a standard closet hanger.

15. Regarding claim 10, Fournier discloses a utility device further comprising pockets (15-23) fixedly attached to one face of the sheet, the pockets containing openings (1) for insertion of articles of clothing.

16. Regarding claim 11, Fournier discloses a utility device wherein the pockets have closure means (25) for retaining the articles of clothing within the pockets.

17. Regarding claim 12, Fournier discloses wherein the closure means comprise a zipper (Col. 5, lines 27-31).

18. Regarding claim 13, Fournier discloses wherein the closure means comprise Velcro fasteners (Col. 5, lines 27-31).

19. Regarding claim 14, Fournier discloses a utility device further comprising elastic bands to hold clothing (Col. 5, lines 1-5).

20. Regarding claim 15, Fournier discloses wherein the use of a utility device for laundering, storing, and carrying clothes (Col. 5, line 60-65).

21. Claims 1-6, 8-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia (US 5,743,649)

22. Regarding claims 1 and 16, Garcia discloses a utility device for containing articles of clothing during laundry operations, travel, and storage, the device comprising: a backing sheet of washable material (20); a plurality of strips (36a/38a), each fixedly attached to connect the free end of a strip to the free end of another strip in pairwise fashion; and the sheet further comprising attachment means (36b/38b) allowing the sheet to be folded and sealed into a baglike structure (Col. 3, lines 20-25).

23. Regarding claim 2, Garcia discloses wherein the sheet is comprised of nylon mesh (Col. 2, lines 30-35).

24. Regarding claim 3, Garcia discloses wherein the strip attachment means comprise Velcro fasteners (Col. 1, lines 50-55).

25. Regarding claim 4, Garcia discloses wherein the sheet edge attachment means comprise Velcro fasteners (Col. 1, lines 50-55).

26. Regarding claim 5, Garcia discloses wherein the sheet edge attachment means comprise snap fasteners (Col. 3, lines 15-19).

27. Regarding claim 6, Garcia discloses wherein the sheet edge attachment means comprise zippers (Col. 1, lines 48-52).

28. Regarding claim 8, Garcia discloses a utility device further comprising bag hanging means (32) fixedly attached to one end of the sheet.

29. Regarding claim 9, Garcia discloses a utility device wherein the bag hanging means is a pair of vertical fastening straps (34) for hanging to a standard closet hanger.

30. Regarding claim 10, Garcia discloses a utility device further comprising pockets fixedly attached to one face of the sheet, the pockets containing openings for insertion of articles of clothing (Col. 1, lines 55-65).

31. Regarding claim 11, Garcia discloses a utility device wherein the pockets have closure means for retaining the articles of clothing within the pockets (Col. 2, lines 42 –50).

32. Regarding claim 12, Garcia discloses wherein the closure means comprise a zipper (Col. 2, lines 42 –50).

33. Regarding claim 13, Garcia discloses wherein the closure means comprise Velcro fasteners (Col. 2, lines 25-30).

34. Regarding claim 15, Garcia discloses wherein the use of a utility device for laundering, storing, and carrying clothes (Abstract).

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier in view of Gonzalez (US 5,743,649).

37. Regarding claims 5 and 7, Fournier discloses all of the following features except the sheet edge attachment means. However, Gonzalez teaches wherein the sheet edge attachment means comprise snap fasteners and buttons and matched buttonholes (Col. 3, lines 10-15). It would have been obvious to anyone having ordinary skill in the art to use snaps or buttons along with the Velcro strips because they are equivalent attachment means used for closures of storage bags.

38. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Gonzalez (US 5,743,649).

39. Regarding claim 7, Garcia discloses all of the following features except the sheet edge attachment means. However, Gonzalez teaches wherein the sheet edge attachment means comprise snap fasteners and buttons and matched buttonholes (Col. 3, lines 10-15). It would have been obvious to anyone having ordinary skill in the art to use snaps or buttons along with the Velcro strips because they are equivalent attachment means used for closures of storage bags.

Conclusion


40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avery D. Prioleau whose telephone number is 571-272-3427. The examiner can normally be reached on M-Th 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3782

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP


JES F. PASCUA
PRIMARY EXAMINER